

**ASSEMBLY BILL**

**No. 1284**

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**Introduced by Assembly Member Plescia**

February 22, 2005

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An act to add Section 14124.95 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 1284, as introduced, Plescia. Medi-Cal: right of recovery: special needs trust.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care services. Under existing law, when benefits are provided or will be provided to a Medi-Cal beneficiary because of an injury for which another person or a carrier is liable, the director may recover from that person or carrier the reasonable value of benefits so provided.

Under existing probate law, if a statute makes the beneficiary liable for reimbursement of the state for public support furnished to the beneficiary or the beneficiary's spouse or minor child, the court may order the trustee of a trust instrument to satisfy all or part of the liability from trust payments under 3 circumstances.

This bill would state the intent of the Legislature to enact legislation that relates to 3rd-party recovery on behalf of the Medi-Cal program from special needs trusts.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 14124.95 is added to the Welfare and
- 2     Institutions Code, to read:
- 3     14124.95. It is the intent of the Legislature to enact legislation
- 4     that relates to third-party recovery on behalf of the Medi-Cal
- 5     program from special needs trusts.